

**EIGHTY-FOURTH GENERAL ASSEMBLY
2012 REGULAR SESSION
DAILY
SENATE CLIP SHEET**

APRIL 19, 2012

SENATE FILE 2335

S-5218

1 Amend Senate File 2335 as follows:
2 1. Page 1, line 27, after <incurred by> by
3 inserting <the state or>
4 2. Page 1, line 29, after <incurred by> by
5 inserting <the state or>
6 3. Page 1, line 32, after <incurred by> by
7 inserting <the state or>
8 4. By striking page 2, line 27, through page 3,
9 line 11, and inserting:
10 <a. One member appointed by the Iowa peace officers
11 association.
12 b. One member appointed by the Iowa state sheriff's
13 and deputies association.
14 c. One member appointed by the Iowa police chiefs
15 association.
16 d. One member who is a fire chief appointed by the
17 Iowa fire chiefs association.
18 e. One member who is a fire chief appointed by the
19 Iowa professional fire chiefs association.
20 f. One member who is the chief of the Iowa fire
21 service training bureau or the chief's designee.
22 g. Two members who are representatives of the fire
23 service appointed by the Iowa firefighters association.
24 h. The director of the Iowa law enforcement academy
25 or the director's designee.
26 i. The commissioner of the department of public
27 safety or the commissioner's designee.
28 j. Two members who are appointed by the Iowa
29 professional firefighters.
30 k. The state fire marshal or the state fire
31 marshal's designee.
32 l. The director of the department of corrections or
33 the director's designee.
34 m. One member appointed by the chief of the bureau
35 of emergency medical services of the Iowa department
36 of public health.
37 n. One member appointed by the Iowa emergency
38 medical services association.
39 o. One member appointed by the Iowa state police
40 association.
41 p. One member appointed by the state police
42 officers council who is representing peace officers
43 within the department of public safety.
44 q. One member appointed by the state police
45 officers council who is representing employees of the
46 department of natural resources.
47 r. One member who is the chief of the law
48 enforcement bureau of the department of natural
49 resources or the chief's designee.
50 s. One member appointed by the governor who

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1 is a public member who has no personal interest
2 or occupational responsibilities in the area of
3 responsibility given to the task force and represents
4 the interests of the public in general.

5 t. One member appointed by the collective
6 bargaining unit that represents the largest number of
7 employees in the department of corrections.

8 u. One member appointed by the collective
9 bargaining unit that represents the largest number of
10 jailers and dispatchers in this state.

11 v. One member appointed by the Iowa association of
12 community college presidents.>

13 5. By renumbering as necessary.

By STEVEN SODDERS

S-5219

1 Amend House File 2422, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, line 17, by striking <or owner>
4 2. Page 1, line 18, after <facility.> by inserting
5 <For purposes of this paragraph, the approval of
6 the administrator of the nursing facility cannot
7 be withheld on the basis of considerations that are
8 otherwise prohibited by state or federal law.>
9 3. Page 2, lines 13 and 14, by striking <or owner>
10 4. Page 2, line 14, after <facility.> by inserting
11 <For purposes of this subsection, the approval of the
12 administrator of the residential care facility cannot
13 be withheld on the basis of considerations that are
14 otherwise prohibited by state or federal law.>
15 5. By striking page 2, line 15, through page 4,
16 line 12, and inserting:
17 <Sec. _____. Section 229A.8A, subsection 5, Code
18 2011, is amended to read as follows:
19 5. ~~Committed~~ Except as provided in subsection 6A,
20 committed persons in the transitional release program
21 are not necessarily required to be segregated from
22 other persons.
23 Sec. _____. Section 229A.8A, Code 2011, is amended by
24 adding the following new subsection:
25 NEW SUBSECTION. 6A. Persons in the transitional
26 release program shall not be released to a health care
27 facility as defined in section 135C.1.
28 Sec. _____. Section 229A.9A, Code 2011, is amended by
29 adding the following new subsection:
30 NEW SUBSECTION. 3A. If a release with or without
31 supervision is ordered, the committed person shall not
32 be released to a health care facility as defined in
33 section 135C.1.>
34 6. Page 5, line 6, by striking <or owner>
35 7. Page 5, line 7, after <program.> by inserting
36 <For purposes of this subsection, the approval of
37 the manager of the assisted living program cannot
38 be withheld on the basis of considerations that are
39 otherwise prohibited by state or federal law.>
40 8. Page 5, by striking lines 8 through 10.
41 9. By striking page 5, line 19, through page 6,
42 line 19.
43 10. Page 8, line 9, after <appeals> by inserting <,
44 in conjunction with the department of human services,>
45 11. Page 8, line 31, by striking <deems> and
46 inserting <and the department of human services deem>
47 12. By striking page 8, line 32, through page 9,
48 line 4.
49 13. By striking page 9, line 5, through page 10,
50 line 12, and inserting:

1 <3. The committee shall discuss and make
2 recommendations on options to create a new facility
3 or assist an existing facility to expand services
4 to provide care for elderly persons who have
5 previously been declared to be a sexually violent
6 predator pursuant to chapter 229A. The committee
7 shall identify the characteristics of a client
8 for such a facility, the need for such a facility,
9 options for creating a new facility to house such
10 clients, options for the expansion of an existing
11 facility to house such clients, options for using any
12 alternative facilities for such purposes, options for
13 a public-private partnership for such a facility,
14 options for using part of a mental health institute
15 to house such clients, options to qualify a facility
16 for Medicaid reimbursement, cost projections for any
17 recommendations, regulatory challenges, and other
18 information deemed relevant by the department of
19 inspections and appeals and the department of human
20 services. The committee shall also discuss and make
21 recommendations on the authority of nursing facilities,
22 residential care facilities, and assisted living
23 programs to transfer or discharge a resident or tenant
24 who is required to register as a sex offender pursuant
25 to chapter 692A.>

26 14. By striking page 10, line 16, through page 11,
27 line 11, and inserting:

28 <Sec. _____. RESIDENTS AND TENANTS – DISCHARGE. The
29 department of inspections and appeals shall adopt rules
30 that provide that a nursing facility, residential care
31 facility, or assisted living program has the authority
32 to discharge a resident or tenant who is required to
33 register as a sex offender pursuant to chapter 692A
34 based on the person's status as a sex offender as
35 an endangerment to the safety of individuals in the
36 facility or program.

37 Sec. _____. EMERGENCY RULES. If specifically
38 authorized by a provision of this Act, the department
39 of inspections and appeals may adopt administrative
40 rules under section 17A.4, subsection 3, and section
41 17A.5, subsection 2, paragraph "b", to implement
42 the provisions and the rules shall become effective
43 immediately upon filing or on a later effective date
44 specified in the rules, unless the effective date is
45 delayed by the administrative rules review committee.
46 Any rules adopted in accordance with this section
47 shall not take effect before the rules are reviewed
48 by the administrative rules review committee. The
49 delay authority provided to the administrative rules
50 review committee under section 17A.4, subsection 7, and

1 section 17A.8, subsection 9, shall be applicable to a
2 delay imposed under this section, notwithstanding a
3 provision in those sections making them inapplicable
4 to section 17A.5, subsection 2, paragraph "b". Any
5 rules adopted in accordance with the provisions of this
6 section shall also be published as a notice of intended
7 action as provided in section 17A.4.>

8 15. Title page, by striking lines 1 through 4 and
9 inserting <An Act relating to the care and housing of
10 elderly sex offenders and sexually violent predators
11 and including effective date provisions.>

12 16. By renumbering as necessary.

By TOM HANCOCK